

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2006-165-T - ORDER NO. 2008-139
MARCH 11, 2008

IN RE: Application of Julius Cuttino, Jr., 1806)	ORDER
Token Street, Apt. #3, North Charleston, SC)	REINSTATING
29405 (District 1) for a Class C Certificate of)	CERTIFICATE
Public Convenience and Necessity.)	

This matter comes before the Public Service Commission of South Carolina (the "Commission") by way of a request filed by Julius Cuttino, Jr. ("Applicant" or "Cuttino") to reinstate Class C Certificate of Public Convenience and Necessity (Certificate) No. 7722.

A review of the Commission's records reveals that the original Certificate (Certificate No. 7722) to render motor passenger service in the present docket was issued pursuant to Commission Order No. 2006-440, dated July 26, 2006.

After receipt of a Petition for Rule to Show Cause filed by the Office of Regulatory Staff (ORS), a formal hearing was set for holders of Certificates of Public Convenience and Necessity that had failed to pay the required fees for licenses and had failed to comply with the statutes governing operations of Motor Vehicle Carriers in South Carolina. The record reflects that Cuttino was a respondent to the Rule to Show Cause for non-payment of license fees.

For those motor carriers who had not responded to the prior notifications of noncompliance, a public hearing regarding this matter was held on June 11, 2007. The Commission found that the Certificates of Public Convenience and Necessity held by certain carriers, including Cuttino, should be revoked and cancelled, with the specific violation being the failure of payment of license fees. Accordingly, the Commission issued Order No. 2007-414, dated June 11, 2007, which cancelled Cuttino's Certificate No. 7722.

By letter received February 6, 2008, the Applicant requests that Cuttino's Certificate in question be reinstated.

The Commission has reviewed the case before it and after due consideration, the Commission concludes that the above-mentioned Certificate should be reinstated, subject to compliance with all the applicable statutes and the Commission's Rules and Regulations.

IT IS THEREFORE ORDERED:

1. That Class C Certificate of Public Convenience and Necessity No. 7722 in the name of Julius Cuttino, Jr. be, and hereby is, reinstated, subject to compliance with all Commission Rules and Regulations within sixty (60) days of the date of this Order.
2. That all operating rights authorized under the Certificate are hereby reinstated, subject to compliance with all applicable statutes and the Commission's Rules and Regulations within sixty (60) days of the date of this Order.
3. That prior to compliance with the applicable statutes and the Commission's Rules and Regulations, including the requirements of filing with the

Office of Regulatory Staff proof of appropriate insurance, the payment of license fees, and such other information required by law within sixty (60) days of the date of this Order or (2) request and obtain from the Commission additional time to comply with the requirements stated above, the motor carrier services authorized by the Certificate shall not be provided.

4. Failure of the Applicant either (1) to complete the certification process by complying with the Commission requirements of causing to be filed with the Office of Regulatory Staff proof of appropriate insurance on forms as approved by the Commission and the payment of license fees and such other information required by law within sixty (60) days of the date of this Order or (2) to request and obtain from the Commission additional time to comply with the requirements of the Commission as stated above, may result in the authorization approved in this Order being revoked.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:



C. Robert Moseley, Vice Chairman

(SEAL)